



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Angelo Nucci,
(PS6817T), Assistant Chief,
Occupational Safety

CSC Docket No. 2020-798

Examination Appeal

ISSUED: OCTOBER 25, 2019 (SLK)

Angelo Nucci requests to take a make-up examination for (PS6817T), Assistant Chief, Occupational Safety.

By way of background, two individuals applied for the subject examination and the appellant was the only candidate admitted. The examination was scheduled to be administered on April 10, 2018. However, the appellant requested a make-up examination due to a medical condition. Thereafter, make-up examinations were scheduled on May 8, 2018, June 12, 2018, July 31, 2018, September 11, 2018, and April 9, 2019. However, the appellant submitted a request for a make-up for each of these tests dates, due to a medical condition, and they were approved. Thereafter, the appellant was scheduled to take a make-up examination on August 13, 2019. Again, the appellant requested a make-up examination. This time the request was based on the appellant's attending a funeral for his Aunt. However, this agency denied the request as the appellant's Aunt was not one of the specific relationships defined as being an immediate family member under *N.J.A.C. 4A:1-1.3*, nor did his Aunt live with him.

On appeal, the appellant submits documentation to show that he attended his Aunt's funeral on August 13, 2019.

CONCLUSION

N.J.A.C. 4A:4-2.9(a) provides that make-up examinations, except for professional level engineering promotional examinations and public safety open competitive and promotional examinations, may be authorized for the following reasons:

1. Error by Civil Service Commission (Commission) or the appointing authority;
2. Serious illness or disability of the candidate on the test date, provided the candidate submits a doctor's certificate specifying that the candidate was not able to take the test on that day for medical reasons;
3. Documented serious illness or death in the candidate's immediate family;
4. Natural disaster;
5. Prior vacation or travel plans outside of New Jersey or any contiguous state, which cannot be reasonably changed, as evidenced by a sworn statement and relevant documentation; and
6. Other valid reasons.

N.J.A.C. 4A:4-1-1.3 defines "immediate family" as an employee's spouse, domestic partner, civil union partner, child, legal ward, grandchild, foster child, father, mother, legal guardian, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, and other relatives residing in the employee's household or any other individual whose close association with the employee is the equivalent of a family relationship, such as a step-relative.

In this matter, while the appellant's Aunt is not one of the specific relationships defined as being an immediate family member under *N.J.A.C.* 4A:4-1-1.3, and his Aunt does not live with him, it is noted that the appellant is serving provisionally in the subject title and there are no other candidates on the list. Therefore, even if the appellant's relationship with his Aunt does not meet the definition of "immediate family" under *N.J.A.C.* 4A:4-1-1.3, the Commission finds good cause under *N.J.A.C.* 4A:1-1.2(c) to relax the provisions of *N.J.A.C.* 4A:4-2.9(a). The Commission notes that this is now the eighth scheduled examination date for the appellant to sit for the subject examination. Therefore, the Commission warns the appellant that if he needs another make-up date for the subject examination and his request does not squarely meet the requirements for a make-up examination, his request will be denied.

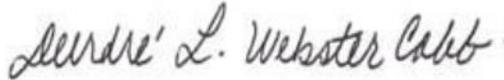
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this request be granted. The appellant should be scheduled for a make-up examination for Assistant Chief, Occupational Safety as soon as possible and, if he achieves a passing score, his name should be added to the subject list for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 23rd DAY OF OCTOBER, 2019



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